

A. it was clearly established that said vegetables did not bear or contain
(i) any traces of an unsafe pesticide chemical for which no tolerance had been established by regulation, or

(ii) any quantity of any unsafe pesticide chemical in excess of the established tolerance for such pesticide chemical on the vegetable;

B. records were maintained which showed the number and times of application of endrin and any other pesticide chemical including the formula and/or amounts and proportions of each of the chemicals used, the products so treated, and the method of application to each product;

C. an individual, qualified by training in the uses and natures of pesticide chemicals, including a knowledge of the uses of such chemicals registered with the United States Department of Agriculture, was employed to advise and supervise the uses made by the defendant of all pesticide chemicals; and

D. representatives of the Food and Drug Administration were given free access to inspect the records relating to the use of pesticide chemicals.

A hearing was held before the court on 1-9-63, the restraining order having expired. The defendant did not appear at the hearing and the court entered a temporary injunction incorporating the terms of the restraining order.

On 2-13-63, the defendant having consented to the entry of such a decree, a decree of permanent injunction was entered enjoining the defendant as set forth above.

29467. Dried white corn. (F.D.C. No. 49457. S. Nos. 32-626 X, 32-633 X.)

QUANTITY: 77 100-lb. bags of white corn at Oxnard, Calif., in possession of La Central Bakery.

SHIPPED: Prior to 10-10-63, from the State of Kansas.

LIBELED: 11-20-63, S. Dist. Calif.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-30-63. Default destruction.

29468. Dried black-eyed peas and dried red beans. (F.D.C. No. 46294. S. Nos. 95-927/8 R.)

QUANTITY: 192 100-lb. bags of dried black-eyed peas, and 21 100-lb. bags of dried red beans, at Denton, Tex.

SHIPPED: Between 2-27-61 and 7-3-61, from California, and Mountainair, N. Mex.

LIBELED: 8-15-61, E. Dist. Tex.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 10-17-61. Consent—claimed by Whitson Food Processing Co., Denton, Tex., for use as seed and/or animal feed.

29469. Soybeans. (F.D.C. No. 49720. S. No. 53-864 X.)

QUANTITY: 200 100-lb. bags at Portland, Oreg., in possession of Porter-Scarpelli Macaroni Co.

SHIPPED: 12-10-62, from Stuttgart and Little Rock, Ark.

LIBELED: 1-17-64, Dist. Oreg.

CHARGE: 402(a)(3)—contained insects and rodent urine; and 402(a)(4)—held under insanitary conditions.